

ET-18524



State Historic Preservation Office

August 9, 2010

Ms. Victoria Rutson
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Re: Final Memorandum of Agreement for Proposed Union Pacific Railroad Abandonment from
Milepost 38.6 near Merriam to Milepost 33.0 near Chaska
Carver and Scott Counties
SHPO Number: 2007-1869

Dear Ms. Rutson:

We received the revised Memorandum of Agreement (MOA) for this project, including all the changes we requested. A signed copy of the MOA is attached for your information and files. We would appreciate receiving a fully executed copy of the document when that is available.

We look forward to working with you and the Union Pacific as the Minnesota Historic Property Record is prepared for this project. As soon as we receive, review and approve the required bridge photography, bridge demolition can begin. The historical narrative can follow, as time allows, with the stipulated one-year submittal deadline.

Please contact me at 651-259-3456 if you have questions.

Sincerely,


Mary Ann Heidemann, Manager
Government Programs and Compliance

cc: Gabe Meyer, Union Pacific Railroad
Troy Brady, STB
Brent Merrick, Administrator, City of Carver
Carver Heritage Preservation Commission

MEMORANDUM OF AGREEMENT

BETWEEN THE SURFACE TRANSPORTATION BOARD, THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE, AND UNION PACIFIC RAILROAD COMPANY

REGARDING AB 33 Sub-No. 255 UNION PACIFIC RAILROAD COMPANY -- ABANDONMENT EXEMPTION -- IN SCOTT AND CARVER COUNTIES, MINNESOTA

WHEREAS, on December 11, 2007, UNION PACIFIC RAILROAD COMPANY (UP) filed a petition for exemption with the Surface Transportation Board (Board) under 49 C.F.R. § 1152 to abandon an approximately 5.60 miles rail line between Milepost 38.6, at Merriam, to milepost 33.0, on the east side of Chaska, in Carver and Scott Counties, Minnesota, in Docket No. AB 33 (Sub-No. 255); and

WHEREAS, in a Decision served on April 1, 2008, the Board's Section of Environmental Analysis (SEA) recommended that the Board impose the following historic preservation condition: **UP shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the right-of-way that are eligible for listing or listed with in the National Register until the section 106 process of NHPA has been completed, report back to SEA regarding any consultations with the SHPO and the public, and not file its consummation notice or initiate any salvage activities until the section 106 process has been completed;** and

WHEREAS, the City of Carver (City) requested consulting party status; and

WHEREAS, based on consultation with the Minnesota State Historic Preservation Office (SHPO), the Board's SEA determined that the line is eligible for the National Register of Historic Places (National Register); and

WHEREAS, the Board's SEA has consulted with the SHPO, pursuant to 36 C.F.R. § 800, regulations implementing Section 106 of the NHPA, and has determined that the proposed abandonment will have an effect on the above mentioned historic resource, which is eligible for listing in the National Register; and

WHEREAS, the SHPO concurred with SEA's determination of adverse effect; and

WHEREAS, SEA notified the Advisory Council on Historic Preservation (ACHP) that an adverse effect determination had been made; and

WHEREAS, the ACHP has declined to participate at this time; and